

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Civil Case No. 7:25-cv-00973-D-BM**

JASON HEWETT, individually and on behalf of all others similarly situated, :
Plaintiff, :
v. :
ENJOY THE CITY NORTH, INC. :
d/b/a SAVEAROUND :
Defendant. :

:

PLAINTIFF'S MOTION TO STRIKE *PRO SE* ANSWER FILED BY A CORPORATION

The Plaintiff in the above matter respectfully move this Court to strike the *pro se* answer of corporate defendant Enjoy the City North, Inc. d/b/a Savearound ("Savearound") and file an appropriate pleading within fourteen days. As to the reasons therefore, the Plaintiffs state as follows:

1. In May of 2025, Plaintiff filed a class action complaint with claims against the Defendant. *See* ECF No. 1.
2. On June 17, 2025, Defendant filed a *pro se* Answer. *See* ECF No. 5.
3. Savearound, as a corporation, cannot appear *pro se*. This sentiment reflects the ancient common law tradition related by former Chief Justice John Marshall in *Osborne v. Bank of the United States*: "A corporation . . . can appear only by attorney." 22 U.S. 738, 830, 6 L. Ed. 204 (1824).
4. The precedent applying this rule is voluminous. *See, e.g.* *Commercial & R.R. Bank of Vicksburg v. Slocomb, Richard & Co.*, 39 U.S. 60, 10 L. Ed. 354 (1840); *Strong Delivery*

Ministry Ass'n v. Board of Appeals of Cook County, 543 F.2d 32 (7th Cir. 1976) (“a corporation cannot appear without an attorney”); *Schreibman v. Walter E. Heller & Co. (In re Las Colinas Dev. Corp.)*, 585 F.2d 7 (1st Cir. 1978) (*cert. denied*); *Shapiro, Bernstein & Co. v. Cont'l Record Co.*, 386 F.2d 426 (2d. Cir. 1967); *Flora Constr. Co. v. Fireman's Fund Ins. Co.*, 307 F.2d 413, 414 (10th Cir. 1962); *Erie Molded Plastics, Inc. v. Nogah, LLC*, 520 F. App'x 82, 84-85 (3d Cir. 2013) (“As a general rule, if a corporation appears in federal court, it may do so only through licensed counsel.”)

5. The Fourth Circuit is in accord. *United States v. Lavabit, LLC*, 2014 U.S. App. LEXIS 7112 (4th Cir. 2014) (corporations are not permitted to proceed *pro se*).

Accordingly, Plaintiff requests Order from the Court that the Defendant shall obtain counsel and file a responsive pleading within 14 days of the Order of this Court or it will be defaulted.

Dated: June 18, 2025

/s/ Anthony I. Paronich

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